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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen J. Brown Attorney Docket No.: HERO-1-1034
Prior Attorney No.: RYA-129/DIV
Serial No.: 09/300,856 Group Art Unit: 3736
Filing Date: April 28, 1999 Examiner: Astorino, M.
Title: NETWORK SYSTEM FOR INTERACTIVE COMMUNICATION AND REMOTE
MONITORING OF INDIVIDUALS

**RESPONSE UNDER 37 C.F.R. § 1.116
RESPONSE TO FINAL OFFICE ACTION**

TO THE COMMISSIONER OF PATENTS:

REMARKS

Claims 1, 2, 4-6 and 8-12 are pending. The Office Action mailed June 18, 2001 rejected Claims 1, 2, 4-6 and 8-12 under 35 U.S.C. § 102 (e) as being anticipated by Braun et al., US 6,050,940. Applicant respectfully traverses all of the rejections. Pursuant to 37 C.F.R. 1.116, applicant hereby respectfully requests reconsideration of the application.

Rejection of Claims 1, 2 and 4-12 under 35 U.S.C. § 102 (e)

The Office Action rejected Claims 1, 2, 4-6 and 8-12 as being anticipated by Braun et al. The Applicant respectfully traverses the rejection. With respect to Claim 1, the Office Action states that Braun et al. discloses a system for communicating health information to and from an individual including a server connected to a remote device generating a script program, and a remotely programmable apparatus networked to the server via a network. Applicant respectfully disagrees.

Applicant notes Braun et al. does not actually disclose or suggest a device for communicating information to and from a patient at all, but rather a data collection device (abstract). Moreover, Braun et al. fails to teach or suggest a device having a server connected to a remote interface for generating and communicating a script program to or from an individual (pg. 1, lines 35-39). Instead, the Braun device collects and assembles data for the use of a medical professional (abstract). The device merely receives

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